

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**LOUISE A. MEANWELL, Individually,
and on Behalf of a Minor Child, M.B.**

Plaintiff,

1:13-cv-624 (GLS/CFH)

v.

JACQUELINE HANKLE et al.

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

LOUISE A. MEANWELL
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Annandale, New Jersey 08801

FOR DEFENDANT HANKLE:

JACQUELINE HANKLE
Pro Se
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Averill Park, New York 12018

FOR DEFENDANT JASON BUMP:

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FOR DEFENDANT MARY BUMP:

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FOR DEFENDANT SUPOVITZ:

Wilson Elser Law Firm
677 Broadway - 9th Floor
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THERESA B. MARANGAS, ESQ.
CHRISTOPHER J. MARTIN, ESQ.

FOR STATE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
Attorney General for the
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The Capitol
Albany, New York 12224

COLLEEN D. GALLIGAN, ESQ.

Gary L. Sharpe
Chief Judge

ORDER

Pending before the court are the defendants' motions to dismiss the complaint. See *Dkt. Nos. 70, 72, and 74-76*. The plaintiff's response to these motions were to be filed on or before September 16, 2014. Despite the passage of the due date, the plaintiff has not filed a response to these motions.

The Second Circuit has held, “[a] court’s task in ruling on a motion to

dismiss is merely to assess the legal feasibility of the complaint, not to assay the weight of the evidence which might be offered in support thereof.” *AmBase Corp. v. City Investing Co. Liquidating Trust*, 326 F.3d 63, 72 (2d Cir. 2003). Therefore, while the court may review the complaint alone to decide the motions to dismiss, it would be more beneficial to the plaintiff if she offered her position on the defendants’ arguments. If the court considers the motion without plaintiff’s response, it is left unaware of arguments that may further support the complaint. Therefore, in the interest of justice, the court will allow the plaintiff **FOURTEEN (14) DAYS** to file a response to defendants’ motions. Moreover, if the plaintiff does not intend to oppose the motion, she must notify the court and opposing counsel immediately. See *id.*

WHEREFORE, for the foregoing reasons, it is hereby
ORDERED, that the plaintiff either notify the court and opposing counsel of her intention not to respond to defendants’ motions or file her response within **FOURTEEN (14) DAYS** of this Order’s filing date; and it is further

ORDERED, that if the plaintiff elects to file a response, the defendants shall file a reply within **SEVEN (7) DAYS** from the receipt of the

response, and it is further

ORDERED, that the motion hearing remains scheduled for October 16, 2014 at 9:00 a.m. on SUBMIT only. No personal appearances are needed; and it is further

ORDERED, that the Clerk of the Court provide a copy of this Order to the parties by regular mail.

Dated: September 19, 2014
Albany, New York


Gary L. Sharpe
Chief Judge
U.S. District Court